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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the Centre for European Studies, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV)

[6 February 1998]

Situation of human rights in Cuba

1. At the fifty-third session of the Commission on Human Rights, the Centre for European Studies explained its position on the way in which the Government of the United States of America manipulates and misrepresents the human rights situation in Cuba and called for the comprehensive study of the universality and interdependence of all human rights in every part of the world, on the basis of the principles of objectivity, non-discrimination, cooperation and observance of standards which must govern relations between nations, in accordance with the concepts proclaimed in the Universal Declaration of Human Rights and the main instruments adopted by the United Nations.

2. In the June 1997 issue of its newsletter Mensaje de Cuba, our organization reported the involvement of Pax Christi, Netherlands, in the plans and machinations of the United States to step up the blocade and isolation of Cuba on the international stage, in particular by exerting pressure on the European Union to join it in its aggressive and interventionist policy against our country.

3. In July 1997, we received document E/CN.4/1997/NGO/99 dated 8 April, circulated by the Commission on Human Rights at the request of Pax Christi International, on which we feel bound to make the following observations.

4. The first thing that strikes a reader of this document is the correlation between the factual information contained in the description of the human rights situation in Cuba and in the recommendations and the information used, manipulated and circulated by the United States Government and the agencies and organizations which it finances to carry out its campaign to isolate Cuba on the international stage.

5. The first part of the document refers to highly complex situations, many of which are being considered by national authorities in Cuba, but nowhere is any evidence produced to corroborate the assertions made.

6. These assertions are used as a basis for a series of recommendations which not only bear no relation to the alleged violations of human rights in Cuba, but betray a considerable ignorance or misunderstanding of the legal and institutional situation in Cuba and/or contain proposals involving demands which clearly undermine inalienable principles of the sovereignty of the Cuban people.

7. Although the Cuban Government, whose place it is to do so, has replied to most of the allegations of actual or presumed violations of human rights in Cuba, some of these contain such distortions of the truth that we also feel compelled to comment on them. For example:

(a) In paragraph 1 (b), Pax Christi International refers to the shooting down of two light aircraft which violated Cuban airspace on 24 February 1996 and makes assertions that differ from the results and findings of the investigations conducted by the International Civil Aviation Organization (ICAO) at the request of the Cuban and United States Governments and the United Nations Security Council, without taking into consideration, moreover, that these and other light aircraft similar to those used in

anti-guerrilla operations by the North American forces in Viet Nam or Central America had repeatedly violated our airspace on subversive missions, with the impunity accorded to them by the United States Government under its own aviation regulations, or the fact that the Cuban Government had repeatedly warned the North American Government that this type of operation could not be permitted in future.

(b) Paragraph 1 (c) "reports" on the alleged repression of the churches in Cuba, when the actual situation is quite different. Any impartial observer would find the alleged climate of repression quite inconsistent with the actual situation in which a wide variety of religions is practised, including 55 Christian denominations - one of them being the Catholic Church, a number of Hebrew communities, cults of African origin, spiritualism, etc., in complete freedom and independence, without any interference from the State. Cuba has numerous seminaries for the training of priests and clergy, who move within and outside the country in complete freedom. The various religious institutions and sects issue publications and a number of known religious activists are members of Parliament, having been elected by secret, direct universal suffrage. The religious organizations conduct their evangelizing activities, recruit new members, organize national, regional and international events and receive recognized religious leaders from all parts of the world in Cuba. The whole world watched the live television broadcasts of the visit of His Holiness, John Paul II to Cuba from 21 to 25 January 1998 and saw for itself the facilities and cooperation extended to the Catholic Church to ensure that all the scheduled activities went smoothly.

8. Some of the recommendations are quite astonishing!

(a) Mention is made of legalizing pro-democracy and human rights organizations, in disregard of the fact that Cuba has an Associations Act, Act No. 54 of 1986 and its regulations, under which there are thousands of general or specialized organizations or associations working for the promotion, enjoyment and protection of the fundamental economic, social, cultural, civil, political and "third generation" rights of our citizens;

(b) Recommendations 2 and 3 brazenly propose what would amount to a major reform of penal law, regardless of the fact that our Penal Code, even with its defects and limitation, has been modernized in keeping with current penal doctrines and with the guidelines laid down at recent United Nations Congresses on the Prevention of Crime and Treatment of Offenders, or that many of the offences which are blithely proposed for elimination are an inseparable part of the penal laws and codes of many countries throughout the world, as is the death penalty;

(c) Equally surprising is the recommendation that the Constitution of Cuba should incorporate the Universal Declaration of Human Rights. This gives the impression to anyone unfamiliar with our Constitution that it does not incorporate the rights embodied in the Universal Declaration as fundamental rights of citizens. A mere glance at Chapter VII of the Constitution of the Republic of Cuba would suffice to show that they are fully provided for and that even greater provision is made for economic, social and cultural rights in other articles of the Constitution;

(d) Equally simplistic is the recommendation to re-establish the Constitutional Tribunal, as if this were the only possible way for a country to ensure the observance of the Constitution and constitutional protection of its citizens. Various methods and systems of ensuring this protection exist throughout the world and in Cuba we have our own. Consequently, this recommendation, in addition to constituting interference in our country's internal affairs, is intended solely to give international public opinion the impression that there are no guarantees for citizens in Cuba, or any mechanism for safeguarding them;

(e) The recommendation that the Special Rapporteur appointed under pressure from the United States should be permitted to visit Cuba, when fewer and fewer countries are yielding to such pressure and blackmail, as shown by the results of votes in the Commission on Human Rights, is simply further proof of the intention of this document. Pax Christi International seems to forget the serious controversy over his appointment, due to the fact that the existence of a Special Rapporteur on Cuba was totally out of keeping with the actual human rights situation there;

(f) The last recommendation calls for the demilitarization of Cuban society, without producing any arguments or evidence to justify it. Such evidence cannot in fact be produced because the actual situation in Cuba is misrepresented.

9. The Centre for European Studies again reiterates that the human rights situation in Cuba, like that in all countries, can be studied only from a standpoint free of discrimination and political manipulation and that it also requires in-depth, rigorous and serious examination based on unfailing respect for the sovereignty of peoples. It must therefore be emphasized that recommendations 5, 6 and 7 reproduce literally the demands made by the United States on the European Union in an attempt to associate it with its policy of isolating Cuba, demands which were condemned both by the Assembly of the Liaison Committee of European NGOs to the European Union and by the European Parliament.